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Paper No. 14

J. Folkmar
392 Lakeshore Road East
Oakville, ON L6J 1J8
CANADA

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SEP 15 2003

OFFICE OF PETITIONS

In re Application of	:	
Jan Folkmar	:	
Application No. 09/813,476	:	ON PETITION
Filed: March 22, 2001	:	
Attorney Docket No. PAG 001	:	

This is a decision on the petition under 37 CFR 1.137(a), filed August 14, 2003, to revive the above-identified application.

The petition is **DISMISSED**.

Any further petition to revive must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Petition under 37 CFR 1.137." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

A grantable petition under 37 CFR 1.137(a) must be accompanied by: (1) the required reply, unless previously filed;¹ (2) the petition fee as set forth in 37 CFR 1.17(l); (3) a showing to the satisfaction of the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c). The instant petition lacks item (1) above.

¹ In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

The draftsman has not approved the drawings submitted with the petition. A copy of the "Notice of Draftsperson's Patent Drawing Review" is attached herewith. This application cannot be revived until corrected formal drawings are received.

The terminal disclaimer filed with the instant petition is unnecessary and will not be processed. Accordingly, a refund of the \$55 fee may be requested by writing to the Office of Finance, Refund Section. A copy of this decision should accompany such a request.

The authorization to charge the issue fee submitted to the Office by facsimile transmission on June 10, 2003 has been located.


Further correspondence with respect to this matter should be addressed as follows:

By Mail: U. S. Patent and Trademark Office
P. O. Box 1450
Alexandria, VA 22313-1450

By facsimile: (703) 308-6916
Attn: Office of Petitions

By hand: Office of Petitions
2201 South Clark Place
Crystal Plaza 4, Suite 3C23
Arlington, VA 22202

Telephone inquiries concerning this decision should be directed to Marianne Morgan at (703) 306-3475.


Frances M. Hicks
Lead Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Examination Policy

Attachment: Notice of Draftsperson's Patent Drawing Review (PTO 948)